

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BENNIE WILSON, Individually and
on behalf of all other persons
similarly situated

PLAINTIFFS

v.

Case No. 06-6010

ST. JOSEPH'S MERCY
HEALTH CENTER

DEFENDANT

ORDER

Now before the Court is Defendant's Motion to Dismiss for Failure to Comply with Court Order (Doc. 8). Defendant requests the Court dismiss Plaintiff's Complaint with prejudice for failing to comply with two Court orders.

On June 28, 2006, the Court entered an order staying the action pending the exhaustion of administrative remedies and directing Plaintiffs' attorneys to provide the Court with monthly progress reports (Doc. 5). On March 6, 2007, the Court entered an order granting Plaintiffs' attorneys' motion to withdraw as counsel. (Doc. 7). The Court granted Plaintiffs thirty (30) days to retain new counsel or to advise the Court of their intention to proceed *pro se*. The Court further advised Plaintiffs that the failure to comply could result in the dismissal of their action.

As of this date, Plaintiffs have not complied with the Court's orders or communicated to the Court in any that they intend to proceed with this action. Accordingly, Defendant's

Motion (Doc. 8) is GRANTED, and Plaintiffs' case is DISMISSED WITHOUT PREJUDICE on the grounds that they have failed to prosecute it and have failed to comply with Court orders. See Fed. R. Civ. P. 41(b). Should Plaintiffs re-file this action, Defendant may petition the Court to require the Plaintiffs to show good and adequate cause for their failure to prosecute the instant action before they are allowed to proceed with a second action.

IT IS SO ORDERED this 1st day of June 2007.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge